

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BARRY CADDELL,

Plaintiff,

v.

SEARS, ROEBUCK and CO.,

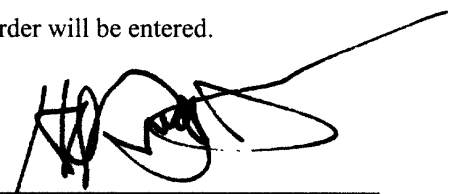
Defendant.

CIVIL ACTION NO. 00-JEO-2985-S

MEMORANDUM OPINION

On June 26, 2001, the magistrate judge assigned this matter entered a Report and Recommendation that the defendant's motion to dismiss the plaintiff's claims for lack of subject matter jurisdiction. No objections have been filed. The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, the defendant's motion to dismiss is due to be granted and this matter dismissed without prejudice. An appropriate order will be entered.

DONE, this 16th day of July, 2001.



H. Dean Buttram, Jr.
United States District Judge

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